

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DARRYL TUCKER,**

**Petitioner,**

**v.**

**Case No. 05-C-0003**

**CATHY JESS,**

**Respondent.**

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**MEMORANDUM AND ORDER**

On May 5, 2006, habeas petitioner Darryl Tucker filed a notice of appeal of my dismissal of his case and a request for a certificate of appealability. On May 16, 2006 he filed a petition for leave to proceed on appeal in forma pauperis and a motion to expand the record on appeal. On June 16, 2006, I denied his request for a certificate of appealability, concluded that the appeal was taken in good faith and ordered him to file an "Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis" and a certified copy of his prison trust account statement showing transactions for the preceding six months. On June 30, 3006, petitioner filed an affidavit, but did not use the proper form. To date, petitioner has failed to file a certified copy of his prison trust account statement. I will allow petitioner additional time to file the proper affidavit and a certified copy of his prison trust account statement. For petitioner's convenience, I have included an "Affidavot Accompanying Motion for Permission to Appeal In Forma Pauperis." Petitioner should file these documents on or before **July 31, 2006.**

**THEREFORE, IT IS ORDERED** that petitioner shall file a certified copy of his prison trust account statement showing transactions for the preceding six months and the Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis on or before **July 31, 2006.**

A copy of this order will be sent by my clerk to the Attorney General for the State of Wisconsin, c/o Gregory Weber, Assistant Attorney General, P.O. Box 7857, Madison, WI 53707; and to Gino J. Agnello, Circuit Clerk for the Seventh Circuit, United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604.

Dated at Milwaukee, Wisconsin, this 12th day of July, 2006.

s/Lynn Adelman  
LYNN ADELMAN  
U.S. District Judge